



UNITED STATES PATENT AND TRADEMARK OFFICE

#3

18 JAN 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER CO 80301

In re Application of
CARPENTER
Application No.: 10/535,329
PCT No.: PCT/US03/23173
Int. Filing Date: 25 July 2003
Priority Date: 25 July 2002
Attorney Docket No.: 432081
For: SYSTEMS AND METHODS FOR
MEASURING A MATERIAL PROPERTY

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This decision is in response to applicants' submission filed 18 May 2005.

BACKGROUND

On 25 July 2003, applicants filed international application PCT/US03/23173 which designated the U.S. and claimed a priority date of 25 July 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 January 2005.

On 18 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 18 May 2005.

As to item (2), applicant submitted the petition fee on 18 May 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459